



House Amendments to the Senate Amendment to H.R. 2642 – Iraq/Afghanistan Supplemental Appropriations bill

EXECUTIVE SUMMARY

The emergency troop supplemental is expected to be considered on May 15, 2008. The supplemental was not considered by the Committee on Appropriations because House Democratic Leadership decided to bring the bill directly to the floor. Of the 36 supplemental bills enacted by Congress since 1989, only seven have circumvented the committee process. Included in those seven were supplemental bills in response to the September 11, 2001, terrorist attacks and to Hurricane Katrina.

The rule for this bill makes in order a motion by Chairman Obey (D-WI), or his designee, to concur in the Senate amendment to the text with each of the 3 amendments. The Senate text will serve as the base text, and the House will vote on each of the 3 amendments separately. The rule provides two hours of debate on the motion equally divided between the Chairman and Ranking Republican on the Appropriations Committee.

Amendment #1 provides \$96.6 billion for fiscal year 2008 and \$65.9 billion for fiscal year 2009 for the ongoing military operations in Iraq and Afghanistan.

Amendment #2 includes a number of policy provisions, focused primarily on Iraq, including: 1) mandating a timetable for withdrawal from Iraq; 2) requiring troop readiness requirements; and 3) prohibiting interrogation techniques that are not expressly authorized by the Army Field Manual.

Amendment #3 includes funding for military construction and State Department programs. It also includes a number of domestic policy provisions, including 1) expanding the GI Bill; 2) increasing taxes on individuals with income over \$500,000 by 0.47 percent; 3) placing a moratorium on seven Medicaid regulations; and 4) extending unemployment insurance benefits for an additional 13 weeks.

The bill appropriates \$183.7 billion - \$162.5 billion for the Department of Defense and \$21.2 billion for the State Department, Military Construction, and other domestic spending items. Additionally, according to the House Committee on Appropriations, the bill provides an estimated \$62.7 billion in unemployment insurance and expanded GI benefits, which brings the overall total for the bill to \$246.4 billion. The Congressional Budget Office has not provided an official score for the mandatory benefits included in the bill as of May 14, 2008.

According to a statement released by Ranking Member Lewis (R-CA) on May 14, 2008, "The Democrat leadership has twisted the rules of the House to keep this legislation out of the view of the public – including bypassing Committee consideration, eliminating the ability to amend the bill on the House floor, and circumventing a conference committee with the Senate. Even worse, these budgetary schemes are riding on the backs of our troops, who must get this supplemental funding soon or face the prospect of no paychecks by mid-summer."

FLOOR SITUATION

H.R. 2642 is being considered on the floor pursuant to a closed rule. The rule:

- Provides for consideration of the Senate amendment to H.R. 2642.



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- Makes in order a motion by the chairman of the Committee on Appropriations that the House concur in the Senate amendment with each of the three amendments printed in the report of the Committee on Rules accompanying the resolution.
- Waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI.
- Provides two hours of debate on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.
- Provides that the Senate amendment and the motion shall be considered as read.
- Provides that the Chair shall divide the question among each of the three House amendments.
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to a time designated by the Speaker.
- Provides that the chairman of the Committee on Appropriations may insert in the Congressional Record dated May 15, 2008, such material as he may deem explanatory of the motion.

The House Amendments to the Senate Amendment to H.R. 2642 is expected to be considered on May 15, 2008. H.R. 2642 (formerly the Military Construction and Veterans Affairs and Related Agencies Appropriations Act for fiscal year 2008) is the vehicle being used to bring up the consideration of the fiscal year 2008 and fiscal year 2009 supplemental appropriations bill.

**Note: By bringing the bill up as the House Amendments to the Senate Amendment to H.R. 2642, Democratic Leadership is denying Republicans the opportunity to offer a Motion to Recommit the bill.*

BACKGROUND

The Administration requested \$196.5 billion in emergency supplemental funding for fiscal year 2008. In December 2007, Congress included \$86.8 billion for Department of Defense and \$5.4 billion for international affairs unresolved in emergency spending as a part of the Consolidated Appropriations Act (P.L. 110-161).

Currently, \$108.1 billion in emergency troop funding is outstanding from the President's 2008 supplemental request. The Chairman of the Joint Chiefs of Staff, Admiral Michael Mullen, has urged Congress to pass a clean supplemental expeditiously because without it the Pentagon will have to stop paying soldiers on June 15, 2008 due to insufficient funds.

In addition to the outstanding 2008 supplemental funding, the President sent an additional \$70 billion war funding request to Congress for fiscal year 2009. The \$70 billion bridge fund includes \$66 billion for the Department of Defense, as well as \$4 billion for Department of State activities.

House Democrat Leadership has circumvented the Appropriations Committee and brought the emergency troop supplemental funding bill directly to the House floor, which goes against normal House procedures and greatly restricts the input of individual Members. Republican Appropriations Committee Members have protested this closed, nontransparent process. In a [letter](#) to Chairman David Obey (D-WI), Republican Members of the Appropriations Committee described this action as "an historical and unprecedented abdication of responsibility for the House Appropriations Committee and would be viewed by many in both parties as a shameful power grab by House and Senate leaders."



In response to being shut out of the process, Ranking Republican Jerry Lewis (R-CA) introduced a clean emergency supplemental appropriations bill (H.R. 6026) that provides \$178 billion in total spending for the Department of Defense, State and Foreign Operations, and military construction, without including extraneous spending and other war policy provisions.

Congress has enacted 36 supplemental appropriations bills since 1989. Only seven of these bills were not marked up by the Committee on Appropriations prior to consideration on the floor. According to Ranking Republican Lewis, "These seven bills were developed with input and agreement from both parties and represented unique circumstances that necessitated rapid response by Congress — such as post 9/11 disaster relief, Hurricane Katrina disaster rescue and recovery, and unexpected shortfalls in funding for Operation Desert Storm."

SUMMARY

Amendment #1

Amendment #1 includes funding levels for 2008 Department of Defense (DOD) supplemental appropriations and 2009 DOD bridge fund supplemental appropriations. The legislation contains several funding categories, which are divided into Chapter 1 (FY2008) and Chapter 2 (FY2009 Bridge Fund) of the amendment. The bulleted number reflects the total funding for the category named, with the President's requested funding level and legislation's funding levels listed below.

Military Personnel

- Total H.R. 2642 Army funding for Fiscal Years 2008 and 2009: \$12,646,655,000
 - Fiscal Year 2008
 - President's requested funding level - \$11,535,055,000
 - H.R. 2642 - \$11,807,655,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$3,500,000,000
 - H.R. 2642 - \$839,000,000
- Total H.R. 2642 Navy funding for Fiscal Years 2008 and 2009: \$941,753,000
 - Fiscal Year 2008
 - President's requested funding level - \$696,000,000
 - H.R. 2642 - \$866,753,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$95,000,000
 - H.R. 2642 - \$75,000,000
- Total H.R. 2642 Marine Corps funding for Fiscal Years 2008 and 2009: \$1,875,571,000
 - Fiscal Year 2008
 - President's requested funding level - \$1,733,971,000
 - H.R. 2642 - \$1,820,571,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$85,000,000
 - H.R. 2642 - \$55,000,000
- Total H.R. 2642 Air Force funding for Fiscal Years 2008 and 2009: \$1,361,153,000
 - Fiscal Year 2008
 - President's requested funding level - \$1,277,853,000
 - H.R. 2642 - \$1,286,153,000
 - Fiscal Year 2009 Bridge



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- President's requested funding level - \$105,000,000
 - H.R. 2642 - \$75,000,000
- Total H.R. 2642 Army National Guard funding for Fiscal Years 2008 and 2009: \$1,519,747,000
 - Fiscal Year 2008
 - President's requested funding level - \$1,136,747,000
 - H.R. 2642 - \$1,369,747,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$20,000,000
 - H.R. 2642 - \$150,000,000
- Total H.R. 2642 Army Reserve funding for Fiscal Year 2008: \$304,200,000
 - Fiscal Year 2008
 - President's requested funding level - \$299,200,000
 - H.R. 2642 - \$304,200,000
- Total H.R. 2642 Navy Reserve funding for Fiscal Year 2008: \$72,800,000
 - Fiscal Year 2008
 - President's requested funding level - \$70,000,000
 - H.R. 2642 - \$72,800,000
- Total H.R. 2642 Marine Corps Reserve funding for Fiscal Year 2008: \$16,720,000
 - Fiscal Year 2008
 - President's requested funding level - \$15,420,000
 - H.R. 2642 - \$16,720,000
- Total H.R. 2642 Air Force Reserve funding for Fiscal Year 2008: \$5,000,000
 - Fiscal Year 2008
 - President's requested funding level - \$3,000,000
 - H.R. 2642 - \$5,000,000
- Total H.R. 2642 Air Force National Guard funding for Fiscal Year 2008: \$4,000,000
 - Fiscal Year 2008
 - President's requested funding level - N/A
 - H.R. 2642 - \$4,000,000

Operation and Maintenance

- Total H.R. 2642 Army funding for Fiscal Years 2008 and 2009: \$53,643,512,000
 - Fiscal Year 2008
 - President's requested funding level - \$18,720,113,000
 - H.R. 2642 - \$16,343,512,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$35,560,055,000
 - H.R. 2642 - \$37,300,000,000
- Total H.R. 2642 Navy funding for Fiscal Years 2008 and 2009: \$6,452,864,000
 - Fiscal Year 2008
 - President's requested funding level - \$2,498,765,000
 - H.R. 2642 - \$2,952,864,000



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- Fiscal Year 2009 Bridge
 - President's requested funding level - \$238,437,000
 - H.R. 2642 - \$3,500,000,000
- Total H.R. 2642 Marine Corps funding for Fiscal Years 2008 and 2009: \$3,059,900,000
 - Fiscal Year 2008
 - President's requested funding level - \$306,050,000
 - H.R. 2642 - \$159,900,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$2,200,000,000
 - H.R. 2642 - \$2,900,000,000
- Total H.R. 2642 Air Force funding for Fiscal Years 2008 and 2009: \$10,922,520,000
 - Fiscal Year 2008
 - President's requested funding level - \$5,927,212,000
 - H.R. 2642 - \$5,922,520,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$3,644,078,000
 - H.R. 2642 - \$5,000,000,000
- Total H.R. 2642 Defense Wide funding for Fiscal Years 2008 and 2009: \$6,036,131,000
 - Fiscal Year 2008
 - President's requested funding level - \$3,220,388,000
 - H.R. 2642 - \$3,387,562,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$3,193,494,000
 - H.R. 2642 - \$2,648,569,000
- Total H.R. 2642 Army Reserve funding for Fiscal Years 2008 and 2009: \$244,130,000
 - Fiscal Year 2008
 - President's requested funding level - \$118,958,000
 - H.R. 2642 - \$164,839,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - N/A
 - H.R. 2642 - \$79,291,000
- Total H.R. 2642 Navy Reserve funding for Fiscal Years 2008 and 2009: \$189,167,000
 - Fiscal Year 2008
 - President's requested funding level - \$41,750,000
 - H.R. 2642 - \$109,876,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - N/A
 - H.R. 2642 - \$79,291,000
- Total H.R. 2642 Marine Corps Reserve funding for Fiscal Years 2008 and 2009: \$117,332,000
 - Fiscal Year 2008
 - President's requested funding level - \$22,040,000
 - H.R. 2642 - \$70,256,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$34,000,000
 - H.R. 2642 - \$47,076,000



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- Total H.R. 2642 Air Force Reserve funding for Fiscal Years 2008 and 2009: \$178,370,000
 - Fiscal Year 2008
 - President's requested funding level - \$12,133,000
 - H.R. 2642 - \$165,994,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - N/A
 - H.R. 2642 - \$12,376,000
- Total H.R. 2642 Army National Guard funding for Fiscal Years 2008 and 2009: \$1,019,184,000
 - Fiscal Year 2008
 - President's requested funding level - \$430,008,000
 - H.R. 2642 - \$685,644,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - N/A
 - H.R. 2642 - \$333,540,000
- Total H.R. 2642 Air Force National Guard funding for Fiscal Years 2008 and 2009: \$340,036,000
 - Fiscal Year 2008
 - President's requested funding level - \$51,633,000
 - H.R. 2642 - \$287,369,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - N/A
 - H.R. 2642 - \$52,667,000
- Total H.R. 2642 Iraq Freedom Fund funding for Fiscal Year 2008: \$50,000,000
 - Fiscal Year 2008
 - President's requested funding level - \$103,750,000
 - H.R. 2642 - \$50,000,000
- Total H.R. 2642 Afghanistan Security Forces Fund funding for Fiscal Years 2008 and 2009: \$3,400,000,000
 - Fiscal Year 2008
 - President's requested funding level - \$1,350,000,000
 - H.R. 2642 - \$1,400,000,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$3,666,259,000
 - H.R. 2642 - \$2,000,000,000
- Total H.R. 2642 Iraq Security Forces Fund funding for Fiscal Years 2008 and 2009: \$2,500,000,000
 - Fiscal Year 2008
 - President's requested funding level - \$1,500,000,000
 - H.R. 2642 - \$1,500,000,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$2,000,000,000
 - H.R. 2642 - \$1,000,000,000

Procurement

**Note: The bill includes \$3.6 billion for procurement of 15 C-17 aircraft as part of DOD FY2008 supplemental funding. The Administration did not include funding for these C-17s in its supplemental request. The bill includes \$2.5 billion for procurement of 34 C-130 aircraft as part of DOD FY2008*



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supplemental funding. The Administration requested funding for 24 of these C-130s in its supplemental request.

- Total H.R. 2642 Army Aircraft funding for Fiscal Years 2008 and 2009: \$1,038,111,000
 - Fiscal Year 2008
 - President's requested funding level - \$1,181,864,000
 - H.R. 2642 - \$954,111,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - N/A
 - H.R. 2642 - \$84,000,000
- Total H.R. 2642 Army Missile funding for Fiscal Year 2008: \$561,656,000
 - Fiscal Year 2008
 - President's requested funding level - \$641,764,000
 - H.R. 2642 - \$561,656,000
- Total H.R. 2642 Army Weapons and Tracked Vehicles funding for Fiscal Years 2008 and 2009: \$6,216,145,000
 - Fiscal Year 2008
 - President's requested funding level - \$5,680,252,000
 - H.R. 2642 - \$5,393,471,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - N/A
 - H.R. 2642 - \$822,674,000
- Total H.R. 2642 Army Ammunition funding for Fiscal Years 2008 and 2009: \$391,400,000
 - Fiscal Year 2008
 - President's requested funding level - \$359,600,000
 - H.R. 2642 - \$344,900,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - N/A
 - H.R. 2642 - \$46,500,000
- Total H.R. 2642 Other Army funding for Fiscal Years 2008 and 2009: \$16,976,390,000
 - Fiscal Year 2008
 - President's requested funding level - \$21,103,261,000
 - H.R. 2642 - \$15,967,340,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$80,536,000
 - H.R. 2642 - \$1,009,050,000
- Total H.R. 2642 Navy Aircraft funding for Fiscal Year 2008: \$3,411,254,000
 - Fiscal Year 2008
 - President's requested funding level - \$3,859,958,000
 - H.R. 2642 - \$3,411,254,000
- Total H.R. 2642 Navy Weapons funding for Fiscal Year 2008: \$317,456,000
 - Fiscal Year 2008
 - President's requested funding level - \$318,281,000
 - H.R. 2642 - \$317,456,000
- Total H.R. 2642 Navy and Marine Corps Ammunition funding for



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- Fiscal Years 2008 and 2009: \$304,945,000
- Fiscal Year 2008
 - President's requested funding level - \$304,945,000
 - H.R. 2642 - \$304,945,000
- Total H.R. 2642 Other Navy funding for Fiscal Years 2008 and 2009: \$1,288,083,000
 - Fiscal Year 2008
 - President's requested funding level - \$1,515,116,000
 - H.R. 2642 - \$1,260,135,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level – N/A
 - H.R. 2642 - \$27,948,000
- Total H.R. 2642 Marine Corps procurement funding for Fiscal Years 2008 and 2009: \$2,718,815,000
 - Fiscal Year 2008
 - President's requested funding level - \$2,444,490,000
 - H.R. 2642 - \$2,153,390,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level – N/A
 - H.R. 2642 - \$565,425,000
- Total H.R. 2642 Air Force Aircraft funding for Fiscal Years 2008 and 2009: \$72,304,050,000
 - Fiscal Year 2008
 - President's requested funding level - \$3,894,839,000
 - H.R. 2642 - \$7,028,563,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level – \$1,209,300,000
 - H.R. 2642 - \$201,842,000
- Total H.R. 2642 Air Force Missile funding for Fiscal Year 2008: \$66,943,000
 - Fiscal Year 2008
 - President's requested funding level - \$1,800,000
 - H.R. 2642 - \$66,943,000
- Total H.R. 2642 Air Force Ammunition funding for Fiscal Year 2008: \$205,455,000
 - Fiscal Year 2008
 - President's requested funding level - \$104,405,000
 - H.R. 2642 - \$205,455,000
- Total H.R. 2642 Other Air Force funding for Fiscal Years 2008 and 2009: \$3,403,811,000
 - Fiscal Year 2008
 - President's requested funding level - \$2,430,034,000
 - H.R. 2642 - \$1,903,167,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level – \$1,467,475,000
 - H.R. 2642 - \$1,500,644,000
- Total H.R. 2642 Defense Wide funding for Fiscal Years 2008 and 2009: \$5,854,460,000
 - Fiscal Year 2008
 - President's requested funding level - \$267,440,000
 - H.R. 2642 - \$408,209,000



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- Fiscal Year 2009 Bridge
 - President's requested funding level – \$72,773,000
 - H.R. 2642 - \$177,237,000
- Total H.R. 2642 National Guard and Reserve Equipment funding for Fiscal Year 2008: \$750,000,000
 - Fiscal Year 2008
 - President's requested funding level – N/A
 - H.R. 2642 - \$750,000,000
- Total H.R. 2642 Rapid Acquisition Fund funding for Fiscal Years 2008 and 2009: None
 - Fiscal Year 2008
 - President's requested funding level - \$150,000,000
 - H.R. 2642 – N/A
 - Fiscal Year 2009 Bridge
 - President's requested funding level – \$100,000,000
 - H.R. 2642 – N/A

Research, Development, Testing, and Evaluation

- Total H.R. 2642 Army funding for Fiscal Years 2008 and 2009: \$162,958,000
 - Fiscal Year 2008
 - President's requested funding level - \$163,299,000
 - H.R. 2642 – \$162,958,000
- Total H.R. 2642 Navy funding for Fiscal Years 2008 and 2009: \$479,398,000
 - Fiscal Year 2008
 - President's requested funding level - \$610,567,000
 - H.R. 2642 – \$366,110,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level – \$113,228,000
 - H.R. 2642 – \$113,288,000
- Total H.R. 2642 Air Force funding for Fiscal Years 2008 and 2009: \$350,468,000
 - Fiscal Year 2008
 - President's requested funding level - \$1,487,493,000
 - H.R. 2642 – \$278,427,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level – \$71,741,000
 - H.R. 2642 – \$72,041,000
- Total H.R. 2642 Defense Wide funding for Fiscal Years 2008 and 2009: \$1,019,157,000
 - Fiscal Year 2008
 - President's requested funding level - \$684,389,000
 - H.R. 2642 – \$816,598,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level – \$194,156,000
 - H.R. 2642 – \$202,559,000

Defense Health Program

- Total H.R. 2642 funding for Defense Health Program for FY08 & 09: \$2,463,864,000
 - Fiscal Year 2008
 - President's requested funding level – \$561,741,000



- H.R. 2642 – \$1,363,864,000
- Fiscal Year 2009 Bridge
 - President's requested funding level - \$400,000,000
 - H.R. 2642 - \$1,100,000,000

Psychological Health & Traumatic Brain Injury

- Total H.R. 2642 funding for Fiscal Years 2008 and 2009: \$75,000,000
 - Fiscal Year 2008
 - President's requested funding level - \$0
 - H.R. 2642 - \$75,000,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$100,000,000
 - H.R. 2642 - \$0

Drug Interdiction and Counter-Drug Activities

- Total H.R. 2642 funding for Fiscal Years 2008 and 2009: \$253,317,000
 - Fiscal Year 2008
 - President's requested funding level - \$65,017,000
 - H.R. 2642 - \$65,317,000
 - Fiscal Year 2009 Bridge
- President's requested funding level - \$130,000,000
- H.R. 2642 - \$188,000,000

Joint IED Defeat Fund

- Total H.R. 2642 funding for Fiscal Year 2009: \$2,000,000,000
 - Fiscal Year 2009 Bridge
- President's requested funding level - \$2,970,444,000
- H.R. 2642 - \$2,000,000,000

General Provisions

- Total H.R. 2642 Navy funding for Fiscal Year 2009: \$1,700,000,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level – \$2,612,000,000
 - H.R. 2642 – \$1,700,000,000

Reporting Requirements

Reports on Iraq and Afghan Security Forces Readiness: The bill requires the Secretary of Defense to submit a report within 30 days, and every 90 days thereafter through FY2009, on the detailing unit readiness levels for Iraq and Afghan security forces.

Reports on Iraq Military and Political Progress: The bill requires the Administration to submit a report before December 8, 2008, and every 90 days thereafter through FY2009, on the political and military progress in Iraq with performance indicators and goals with timetables for achieving these goals.

Amendment #2

Iraq Provisions: The bill includes a timetable for withdrawal from Iraq. Withdrawal must begin within 30 days of enactment, with the goal of completing withdrawal within 18 months. The President is instructed to start the withdrawal with troops that have been in Iraq for more than 1 year, if possible.

Following withdrawal, the only U.S. military missions allowed in Iraq are for the following purposes:

- Protecting U.S. personnel and facilities;



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- Engaging in targeted counterterrorism operations against al-Qaeda, al-Qaeda affiliated groups, and other terrorist organizations in Iraq; and
- Conducting limited training, equipping, and logistical and intelligence support to the Iraqi Security Forces.

The bill requires the Secretary of Defense to submit a report by July 1, 2008, and every 90 days thereafter, detailing current plan and status of withdrawal from Iraq.

Troop Readiness Requirements: The bill prohibits funds in the bill being used to deploy any unit that the President has not certified as "fully mission capable," as set forth in the DOD's Defense Readiness Reporting System. The President can waive this provision on a unit-by-unit basis for national security concerns by submitting a detailed certification report to Congress.

The bill would also prohibit extending troop deployments beyond the deployments periods established Department of Defense policy. Furthermore, it prohibits the redeployment of troops who have not had sufficient "dwell time" between deployments.

Torture: The bill prohibits interrogation techniques that are not expressly authorized by the Army Field Manual from being used against any person in U.S. custody.

Note: Current law (P.L. 109-148 and P.L. 109-163) prohibiting the use of these interrogation techniques only applies to persons in the custody of the Department of Defense, not to the intelligence community or law enforcement officials. The Army Field Manual expressly prohibits "waterboarding."

The bill also prohibits any of the funds in the bill being used to detain any individual unless the International Red Cross is notified of the detention and provided access to the detainee.

Note: Current U.S. law prohibits the cruel, inhuman, or degrading treatment or punishment of any individual in U.S. custody, regardless of nationality or location (42 U.S.C. 2000dd). Current law also already prohibits torture (Section 2340A of U.S.C. Title 18).

Establishing Permanent Bases in Iraq: The bill prohibits any funds from being used to establish a permanent military installation in Iraq or for exercising U.S. control over Iraq oil resources.

**Note: On July 25, 2007, the House passed H.R. 2929, which states as policy that the U.S. not establish any permanent bases or military installations in Iraq. The House has voted more than 10 times (six of which have been signed into law) on provisions stating similar policies.*

Limitation on Status of Forces Agreements (SOFA): The bill prohibits funding for negotiating or implementing of any defense agreement with Iraq that includes U.S. security assurances regarding troop numbers or mission in Iraq unless it is ratified by the Senate as a treaty or specifically authorized by law.

Note: The Administration has been working on a Status of Forces Agreement with Iraq. SOFAs provide the legal framework for the activity and day-to-day operations of U.S. personnel and property in foreign countries, which covers matters ranging from criminal jurisdiction to taxes to legal questions rising from overall scope of the mission. Current U.S. operations in Iraq are governed by U.N. resolutions. The U.S. has Status of Forces Agreements with more than 115 countries, including Germany and South Korea.



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Prohibition on Agreements Subjecting Armed Forces to Iraqi Criminal Jurisdiction: The bill prohibits funding for negotiating or implementing any agreement that would subject the U.S. service members to Iraq criminal courts or punishment under Iraqi law.

Matching Funds from the Government of Iraq: The bill require that U.S. assistance to Iraq for training, capacity building, and infrastructure (with a few exceptions) be matched dollar-for-dollar by the Iraqi Government.

Fuel Costs for U.S. Armed Forces in Iraq: The bill requires the President to negotiate an agreement with Iraq that requires Iraq to subsidize the fuel costs of U.S. military operations in Iraq so that the cost per gallon is equal to domestic Iraqi consumption.

War Profiteering Prevention: The bill criminalizes profiteering and defrauding the U.S. Government for goods and services provided for U.S. military, relief, or reconstruction missions abroad. For intentionally defrauding or overvaluing goods and services, the bill would impose a maximum prison sentence of 20 years.

The bill would impose a maximum 10-year penalty for knowingly falsifying, concealing, or covering up documents or statements related to the contract or the provision of those goods and services. Additionally, the bill establishes a fine of \$1 million or twice the value of the profits earned from the contract.

Note: This provision is identical to H.R. 400, which passed the House by a vote of 375 to 3 on October 9, 2007.

Military Extraterritorial Jurisdiction Act (MEJA): The bill expands MEJA to include persons under a federal contract awarded by any department or agency of the United States working in an area or in close proximity to an area where the Armed Forces are carrying out operations. In addition, it requires the Federal Bureau of Investigation to create the Theater Investigative Unit to investigate allegations of criminal violation by contract personnel.

Note: The House passed similar legislation, H.R. 2740, by a vote of 389 to 30 on October 4, 2007. Currently under the Military Extraterritorial Jurisdiction Act (MEJA), civilian Department of Defense (DOD) employees and DOD contractors can be prosecuted for crimes committed overseas that would be punishable by more than one year of imprisonment if it had been committed within the maritime and territorial jurisdiction of the United States.

Amendment #3

The total cost of Amendment #3 is \$39,094,765 which is \$21,335,910 more than the President's request.

Title I – Military Construction, Veterans Affairs, and International Affairs

Department of Justice

H.R. 2642 provides total funding for Fiscal Years 2008 and 2009 for the Department of Justice at \$229,304,000. This funding includes the following:

- Total H.R. 2642 Federal Bureau of Investigations funding for FY2008 and 2009: \$174,769,00
 - Fiscal Year 2008
 - President's requested funding level - \$101,122,000
 - H.R. 2642 - \$92,169,000
 - Fiscal Year 2009 Bridge
 - President's requested funding level - \$39,062,000
 - H.R. 2642 - \$82,600,000



Military Construction

H.R. 2642 provides total funding of \$4,641,684,000 for Department of Defense Military Construction for fiscal year 2008. This is \$2,203,153,000 more than the President requested. The funding includes the following provisions:

- Military Construction - Army
 - Fiscal Year 2008
 - President's requested funding level - \$1,440,750,000
 - H.R. 2642 - \$1,432,700,000
- Military Construction – Navy and Marine Corps
 - Fiscal Year 2008
 - President's requested funding level - \$237,505,000
 - H.R. 2642 - \$423,357,000
- Military Construction – Air Force
 - Fiscal Year 2008
 - President's requested funding level - \$305,000,000
 - H.R. 2642 - \$409,627,000
- Military Construction – Defense Wide
 - Fiscal Year 2008
 - President's requested funding level - \$27,600,000
 - H.R. 2642 - \$1,009,600,000
- Family Housing Construction – Navy and Marine Corps
 - Fiscal Year 2008
 - President's requested funding level - \$11,766,000
 - H.R. 2642 - \$11,766,000
- Base Realignment and Closure (BRAC) Account
 - Fiscal Year 2008
 - President's requested funding level - \$415,910,000
 - H.R. 2642 - \$1,354,634,000

Department of State and Military Assistance

Provisions in FY2008 Supplemental Appropriations

- \$76,700,000 for embassy security, construction, and maintenance for facilities in Afghanistan
- \$200,000,000 for International Disaster Assistance
- \$75,000,000 for democracy programs in Iraq
- \$20,000,000 for the World Food Program
- \$150,000,000 for economic and refugee assistance to Jordan
- \$100,000,000 in assistance to support Palestinian Authority and improvements in the West Bank
- \$45,000,000 for election-related activities in the Sudan



LEGISLATIVE DIGEST

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1420 LONGWORTH HOB, WASHINGTON, DC 20515

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PHONE 202.225.5107

FAX 202.226.0154

- \$53,000,000 for assistance to North Korea in support of the goals of the Six Party Talks
- \$66,500,000 of funds made to the Foreign Military Financing Program will be made available for assistance to Mexico.

Provisions included in FY2009 Supplemental Appropriations (Bridge Fund)

- \$41,300,000 for embassy security, construction, and maintenance for facilities in Afghanistan
- \$75,000,000 for Global Health and Child Survival
- \$200,000,000 for assistance for developing countries to address the international food crisis
- \$200,000,000 for International Disaster Assistance
- \$50,000,000 of funds made available to the Foreign Military Financing Program will be provided for assistance to Mexico, also allows \$5,000,000 to be made available to the Bureau of Alcohol, Tobacco, and Firearms to deploy special agents to assist Mexican authorities in tracing seized firearms and investigating firearms trafficking cases
- \$61,500,000 to combat drug trafficking, reform the judicial system, and increase maritime security for the countries of Central America, Haiti, and the Dominican Republic

Census: The bill provides \$210 million for expenses related to the 2010 Decennial Census.

GI Bill Expansion: The bill provides increased educational benefits for members of the Armed Forces who have served on active duty since September 11, 2001. These benefits include an amount equal to the established cost of in-state tuition for a public institution of higher education, a housing allowance, and a \$1000 stipend per year for books, supplies, and equipment and are available for 36 months (4 academic years). The amount of the benefit is determined by the length of time the service member was on active duty post September 11, 2001. *This provision is based on the Post 9/11 Veterans Educational Assistance Act (S. 22/H.R. 5740) which has not been considered by the full House or Senate.*

Offset for GI Bill: In order to pay for the GI Bill Expansion, the legislation increases taxes on individuals whose incomes exceeds \$500,000 (\$1 million for married couples) by 0.47 percent.

Medicaid Regulations and Offsetting Costs: It would prohibit the Department of Health and Human Services (HHS) from finalizing and enforcing certain Medicaid regulations until April 1, 2009. If finalized, these regulations would: 1) Reiterate that only units of government are able to participate in financing the State's share of Medicaid expenses; 2) Limit Medicaid payments to governmentally operated healthcare providers to the cost of providing the covered service; 3) Reaffirm that non-governmental healthcare providers receive and retain their full Medicaid payments from the State; 4) Clarify the definition of outpatient clinic and hospital services under the Medicaid program; 5) Provide that graduate medical education payments are not federally reimbursable under Medicaid; 6) Restrict federal reimbursement for services transporting school-aged Medicaid patients to and from school, and for services and administrative activities performed by school employees; 7) Clarify and limit what may be claimed as Medicaid rehabilitation services; and 8) Limit State-levied taxes on Medicaid providers by redefining what may be considered to be an "allowable" provider tax. Additionally, the provision requires all States to electronically verify the financial disclosures of Medicaid applicants to ensure that they are eligible to receive Medicaid in order to offset costs associated with blocking the seven proposed regulations.



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**Note: This provision was previously passed by the House (H.R. 5613) by a vote of 349 to 62 on April 23, 2008. ([Link to Legislative Digest for H.R. 5613](#)).*

Louisiana Levees: Provides \$5.8 billion to rebuild levees in Louisiana, which is consistent with the President's budget request.

Unemployment Insurance: This provision extends unemployment insurance for 13 weeks in every state and for an additional 13 weeks in states that have an unemployment rate of 6 percent or higher.

Contractor Fraud: The bill requires the Federal Acquisition Regulation (FAR) to require Federal contractors to provide timely notice to their contracting agency of any violations of Federal criminal law or overpayments received in connection with federal contracts for over \$5,000,000 and lasting more than 120 days for contracts performed inside or outside the U.S. The legislation requires these regulations to be incorporated into FAR within 180 days of the enactment of this legislation.

**Note: The House passed the Close the Contractor Fraud Loophole Act (H.R. 5712) by voice vote on April 23, 2008, which is identical to the text of this provision.*

Government Funding Transparency: H.R. 2642 would require any non-public entity receiving more than \$25 million from federal sources – such as grants, loans, cooperative agreements, contracts, and other forms of financial assistance - and earning 80 percent of its revenue from those sources to disclose the names and total compensation of the organization's five most highly compensated officers. This provision is an expansion of the federal spending database created by the Federal Funding Accountability and Transparency Act of 2006 that was sponsored by Representatives Roy Blunt (R-MO) and Tom Davis (R-VA).

**Note: The House passed the Government Funding Transparency Act of 2008 (H.R. 3928) by voice vote on April 23, 2008.*

COST

The bill appropriates \$183.7 billion - \$162.5 billion for the Department of Defense and \$21.2 billion for the State Department, Military Construction, and other domestic spending items. Additionally, according to the House Committee on Appropriations, the bill provides an estimated \$62.7 billion in unemployment insurance and expanded GI benefits, which brings the overall total for the bill to \$246.4 billion. The Congressional Budget Office has not provided an official score for the mandatory funding provisions as of May 14, 2008.

ADDITIONAL VIEWS

Ranking Member Jerry Lewis (R-CA): "The House will vote on this quarter of a trillion dollars supplemental bill tomorrow, and the vast majority of Members of Congress, the media, and the public have not even seen the legislation. The Democrat leadership has twisted the rules of the House to keep this legislation out of the view of the public – including bypassing Committee consideration, eliminating the ability to amend the bill on the House floor, and circumventing a conference committee with the Senate. Even worse, these budgetary schemes are riding on the backs of our troops, who must get this supplemental funding soon or face the prospect of no paychecks by mid-summer."



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ADDITIONAL RESOURCES

[Army Field Manual \(September 6, 2006\)](#)

[Appropriations Committee Ranking Member Lewis Letter to Chairman Obey \(April 24, 2008\)](#)

[Appropriations Committee Republicans Letter to Chairman Obey \(May 1, 2008\)](#)

STAFF CONTACT

For questions or further information contact Brianne Miller at (202) 226-2302.